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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,823	07/23/2003	Scott Goldthwaite	WS-102	7792
27769	7590	11/16/2007		
AKC PATENTS 215 GROVE ST. NEWTON, MA 02466			EXAMINER HANNON, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10625823	7/23/2003	GOLDTHWAITE ET AL.	WS-102

AKC PATENTS
215 GROVE ST.
NEWTON, MA 02466

EXAMINER

Christian A. Hannon

ART UNIT	PAPER
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2618

20071026

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please find the following updated Action to replace the action mailed 9/24/2007. A shortened statutory period has been set at 3 months from the mailing date of this communication.

CH

Office Action Summary	Application No. 10/625,823	Applicant(s) GOLDTHWAITE ET AL.	
	Examiner Christian A. Hannon	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This action is response to applicant's response filed on 7/6/2007. Claims 1-15 are now pending in the present application. This action shall replace the action issued on 9/24/2007. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (US 6,747,547) in view of Fox et al (US 5,943,624), hereinafter Fox.

Regarding claim 1, Benson teaches a wireless mobile device adapted to access a wireless network (Column 1, Lines 9-12; Benson) comprising a subscriber identification module (SIM) card slot (Figure 4, Item 12; Column 6, Lines 3-6; Benson) and a contactless smart card reader module electrically connected to said wireless mobile device via said SIM card slot (Column 3, Lines 35-36; Column 6, Lines 3-6; Benson) and wherein said smart card reader module is adapted to receive and read information stored in a device residing outside of the mobile device and transmit said information to an entity via said wireless network (Column 4, Lines 41-45; 54-67; Column 5, Lines 1-2; Benson). However Benson fails to detail that the smart card reader module is capable of writing information in a contactless, which is wireless, setting. Fox teaches that a smart card reader/writer operable in a cellular phone may

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operate in a contactless setting (Column 2, Lines 18-29; Fox). It is further noted that Benson teaches that a smartcard may be used for payment (Column 4, Lines 57-60), obvious to one of ordinary skill in the art a payment from a smart card would constitute updating a smart card to reflect a new value (the original value less the purchase amount), therefore the updating of the card is analogous to writing. However the deficiencies of the Benson art are rendered as obvious to one of ordinary skill in the art in light of the Fox reference, as a designer would wish to include the features of Fox in order to avoid disadvantages where a smartcard would be required to be inserted into an external reader, such as the contacts between the smartcard and the external reader must be aligned for proper signal transfer, or that the contacts could be come dirty due to repeatedly removing the card.

Regarding claim 2, Benson and Fox teach claim 1 wherein said contactless smart card reader/writer module is further adapted to receive information from said entity via said network and transmit and write said information in said contactless smart card (Column 4, Lines 57-60; Benson; Column 2, Lines 18-29; Fox).

Regarding claim 3, Benson and Fox teach claim 1, wherein said information is selected from a group consisting of cardholder identification information, card identification information, authentication information, smart card issuer information, financial institution information, digital goods digital services and digital currency (Column 4, Lines 57-60; Benson; Column 1, Lines 9-11; Fox).

Regarding claim 4, Benson and Fox teach claim 3, wherein said digital goods are selected from a group consisting of electronic cash (Column 5, Lines 21-25; Fox).

Regarding claim 5, Benson and Fox teach claim 1, further comprising a memory (Figure 4, Item 16; Benson), a central processing unit (CPU) (Figure 4, Item 10; Benson), a SIM card connected to said SIM card slot (Figure 4, Item 19; Benson), said SIM card authenticating said wireless mobile device to said wireless network (Column 1, Lines 50-53; Benson), and a first application program (Figure 4, Item 11; Column 6, Lines 3-6; Benson) associated with said memory and said CPU and being adapted to receive and transmit instructions from said contactless smart card reader/writer module to said wireless mobile phone and the reverse (Column 2, Lines 56-61; Column 6, Lines 1-19; Benson).

Regarding claim 6, Benson and Fox teach claim 5, further comprising a second application program associated with said memory and said CPU and being adapted to route and transmit data and information among said wireless mobile phone, said smart card reader/writer module, and other interfaces connected to said CPU (Figure 4, Item 14; Column 6, Lines 7-10; Benson).

Regarding claim 8, Benson and Fox teach the wireless device of claim 6, wherein said first and second application programs are stored in storage selected from a group consisting of said CPU, said SIM card an external SIM card, said contactless smart card, and an external card (Column 1, Lines 1-38; Benson).

Regarding claim 7, Benson and Fox teach the wireless device of claim 6, wherein said other interfaces are selected from a group consisting of smart card interface, infrared receiver interfaces, serial communications interfaces and magnetic stripe reader interfaces (Column 3, Lines 39-41; Benson).

Regarding claim 9, Benson and Fox teach claim 1, further comprising an antenna for receiving and transmitting messages to and from said contactless smart card (Column 2, Lines 53-55; Fox).

Regarding claim 10, Benson and Fox teach claim 1, wherein said wireless mobile device is selected from a group consisting of a mobile phone, a personal digital assistant, a pager, a wireless laptop computer, a personal computer, a television remote control and combinations thereof (Column 1, Lines 9-12; Benson).

Regarding claim 11, Benson and Fox teach claim 1, wherein said wireless network is selected from a group consisting of a WWAN, a WLAN a private network and a PAN (Column 1, Lines 9-11; Fox). A banking network has been construed by the examiner as a private network.

Regarding claim 12, Benson and Fox teach claim 11, wherein said WWAN is selected from a group consisting of GSM (Column 1, Lines 50-59; Benson).

Regarding claim 13, Benson and Fox teach claim 1, wherein said wireless mobile device is used for making financial transactions between a user and said entity with said contactless smart card over said network (Column 1, Lines 9-11; Fox).

Regarding claim 14, Benson and Fox teach claim 13, wherein said financial transactions between said user and said entity are face-to-face, or at a point of sale (Column 1, Lines 15-19; Fox).

Regarding claim 15, Benson and Fox teach claim 13, wherein said financial transactions between said user and said entity are remote (Column 1, Lines 9-19; Fox). As Fox teaches a means for contactless smart card transactions it is construed that any

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communication between a device and the smartcard device where no contact takes place is construed as 'remote.'

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weiner (US 2003/0186722) discloses a method and device for real time GSM user device profile interrogation and registration.

Janne (US 2003/0208446) disclose a method for loading money, an electronic device and a system.

Offer (US 2002/0161708) discloses a method and apparatus for performing a cashless payment transaction.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



C. A. Hannon
October 26, 2007



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